UNITED STATES PATENT AND TRADEMARK OFFICE

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10/584,649	06/26/2006	Dirk Gandolph	PD040002	8142

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 June 2006*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 1215* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-7 and 12-15* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☒ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

This is the initial office action based on 10/584649 application filed on 6/26/2006.

Claims 1-7 and 12-14, as originally filed, are currently pending and have been

considered below. Claims 8-11 have been cancelled. Claims 1, 13, and 15 are

independent claims.

Specification

The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: The specification does not give detail on the intended scope

of "optical storage medium" recited in Claim 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 5:

The phrase "number from among the available menu pages within the defined

range the next higher page number relative to the page number of said first menu page

is selected if the numeric value indicates a higher page number than the page number

of the first menu page" is confusing and not clearly understood by one of ordinary skill in

the art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated

by Gordon et al (US 2002/0013944; PG Pub Date; Jan 31, 2002; Patent Filing Date:

Aug 6, 2001; Continuation of Application No. 09/086,799 Date: May 29, 1998; hereafter

Gordon.)

Claim 1:

Gordon discloses:

The method for automatically generating an electronic menu including a plurality

of menu pages, wherein menu pages contain selectable menu items with

associated commands to be executed upon activation of the respective menu

item, wherein associating a page number with each menu page; (Fig 5-6→ Gordon

discloses "automatically generating an electronic menu including a plurality of menu

pages" in that a list of categories are produced in a menu-like system. Fig 5-6 →

Gordon discloses "menu pages contain selectable menu items with associated

commands to be executed upon activation of the respective menu item" in that the user

can click on the hyperlink from the tree-menu. Fig 5-6 → Gordon discloses "associating

a page number with each menu page" in that each menu selection has a pointer

associated with it. On Fig 5-6, the user can click the down command to view more menu

options. Moreover, the examiner notes that "page number" are functionally equivalent to

a linked list structure of pointers to a new page; therefore, menus that have selectable

items have pointers to a new submenu or a selection.)

a first menu page containing at least one menu item with an associated command

and associated data, wherein the command associated with the menu item

comprises switching to another menu page; (Fig 5-6 → Gordon discloses "a first

menu page containing at least one menu item with an associated command and

associated data, wherein the command associated with the menu item comprises

switching to another menu page" in that the user can select the items from a menu to

either view more submenus or initiate a command for a function.)

defining a range of page numbers based upon said data associated with said

command; (Fig 5-6 → Gordon discloses "defining a range of page numbers based

upon said data associated with said command" in that the menu contains a list of

selections of a sub-menu because the page numbers are functionally equivalent to

pointers that designate a selection or a new sub-menu.)

detecting the page numbers of the available menu pages; (Fig 4→ Gordon

discloses "detecting the page numbers of the available menu pages" in that the

whenever a new selection is made, the system downloads an applet corresponding to

that selection and either launches a new menu that provides further options for the

subscriber or displays a selected program.)

and selecting a second menu page upon activation of said menu item for

switching to another menu page, wherein the second menu page has the first or

last page number from among the available menu pages within the defined range

of menu pages and wherein the first and second menu pages are retrieved from

different storage media. (Fig 4→ Gordon discloses "selecting a second menu page

upon activation of said menu item for switching to another menu page, wherein the

second menu page has the first or last page number from among the available menu

pages within the defined range of menu pages and wherein the first and second menu

pages are retrieved from different storage media." in that the whenever a new selection

is made, the system downloads an applet corresponding to that selection and either

launches a new menu that provides further options for the subscriber or displays a

selected program.)

Claim 2:

Gordon discloses:

Method according to claim 1, wherein defining a range of page numbers is also based upon the page number of said first menu page. (Fig 5-6 → Gordon discloses "defining a range of page numbers is also based upon the page number of said first menu page" in that the menu contains a list of selections of a sub-menu because the page numbers are functionally equivalent to pointers that designate a selection or a new sub-menu.)

Claim 3:

Gordon discloses:

Method according to claim 2, wherein said range is further defined by a page number of another menu page that is stored on the same storage medium as the first menu page. (Fig 4→ Gordon discloses "range is further defined by a page number of another menu page that is stored on the same storage medium as the first menu page." in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program.)

Claim 4:

Gordon discloses:

Method according to claim 1, wherein said range is defined by a placeholder within said data associated with said command. (Fig 4→ Gordon discloses "range is defined by a placeholder within said data associated with said command" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. A place holder is functionally equivalent to a pointer.)

Claim 5:

Gordon discloses:

Method according to claim 1, wherein said data associated with said contain a numeric value and the range of page numbers is defined by the numeric value and the page number of said first menu page, (Fig 5-6 → Gordon discloses "contain a numeric value and the range of page numbers is defined by the numeric value and the page number of said first menu page" in that the menu contains a list of selections of a sub-menu because the page numbers are functionally equivalent to pointers that designate a selection or a new sub-menu.)

and wherein number from among the available menu pages within the defined range the next higher page number relative to the page number of said first menu

page is selected if the numeric value indicates a higher page number than the

page number of the first menu page. (Fig 5-6 → Gordon discloses "wherein number

from among the available menu pages within the defined range the next higher page

number relative to the page number of said first menu page is selected if the numeric

value indicates a higher page number than the page number of the first menu page" in

that the user can click on "up" or "more" to view more commands.)

<u>Claim 6:</u>

     Gordon discloses:

Method according to claim 1, wherein a menu page is stored in a separate file, or

selectable portion of a file, and the page number is determined by the name of the

file, or the name of the file and the selectable portion within the file, in which it is

stored. (Fig 4 → Gordon discloses "menu page is stored in a separate file, or selectable

portion of a file, and the page number is determined by the name of the file, or the name

of the file and the selectable portion within the file, in which it is stored" in the hardware

in the computer stores the menu is a cache memory or permanent storage either within

the software itself or in a separate file designating a menu.)

<u>Claim 7:</u>

     Gordon discloses:

Method according to claim 1, wherein the page number associated with the first

or second menu page depends on user specific settings. (Fig 4→ Gordon discloses

"the page number associated with the first or second menu page depends on user specific settings" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. A place holder is functionally equivalent to a pointer.)

Claim 12:

Gordon discloses:

Method according to claim 1, wherein detecting of the page numbers of the available menu pages includes detecting if the corresponding AV content selectable from said menu page is also available. (Fig 4 → Gordon discloses " detecting of the page numbers of the available menu pages includes detecting if the corresponding AV content selectable from said menu page is also available" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. In other words, the system would not be able to download the applet if it is not available.)

Claim 13:

Claim 13 corresponds to Claim 1.

Claim 14:

Gordon discloses:

Apparatus according to claim 13, wherein detecting the allowed range of page numbers of the next menu page to be displayed comprises comparing a received number with the current menu page number, wherein the received number is defined within said request. (Fig 4 → Gordon discloses " detecting the allowed range of page numbers of the next menu page to be displayed comprises comparing a received number with the current menu page number, wherein the received number is defined within said request" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. In other words, the system would not be able to download the applet or detect the next set of menus if they are not available.)

Claim 15:

Gordon discloses:

Optical storage medium for storing audio-visual content and menu data for a multi-page menu, wherein menu pages have page numbers, and wherein at least a first menu page contains a command for selecting a second menu page, wherein the command for selecting a second menu page specifies a range of two or more menu pages to select, and a predefined rule specifies which menu page of the range of menu pages is selected next; (Fig 4 → Gordon discloses " detecting

of the page numbers of the available menu pages includes detecting if the

corresponding AV content selectable from said menu page is also available" in that the

whenever a new selection is made, the system downloads an applet corresponding to

that selection and either launches a new menu that provides further options for the

subscriber or displays a selected program. In other words, the system would not be able

to download the applet or detect the next set of menus if they are not available.)

and for at least one page number within said range no relating menu page is

stored on the optical storage medium. (Fig 5-6 → Gordon discloses "at least one

page number within said range no relating menu page is stored on the optical storage

medium" in that the unrelated page number is a selection on a menu.)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SOUMYA DASGUPTA whose telephone number is

(571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-

1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/Doug Hutton/
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